



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application to  
Reissue U.S. 4,912,155

Serial No.: 07/714,441

Filed: June 13, 1991

For: ANTIOXIDANT AROMATIC FLURO-  
PHOSPHITES

Art Unit: 122

Examiner: Daus

DECLARATION OF PATRICIA J. HOGAN UNDER 37 C.F.R. 1.175 (d)

Honorable Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

I, Patricia J. Hogan, being duly warned, hereby declare:

1. I am registered to practice before the U.S. Patent and Trademark Office, and for the last nine years have been employed in the Patent Department of Ethyl Corporation.

2. On or about July 19, 1988, I received a copy of the European Patent Office Search Report which has been shown to me marked as Attachment B to the Declaration of J. D. Odenweller. At the time that I received it, I had no substantive responsibility for the prosecution of that application or its U.S. counterpart. I received that EP Search Report because I was then manager of foreign patents, and in that capacity, it was my responsibility to coordinate communications between responsible Ethyl counsel and foreign patent associates.

3. I have no present recollection of having passed that EP Search Report to the responsible attorney. However, in the normal course, after I looked at the EP Search Report, my secretary would have passed it on to the responsible attorney. The EP Search Report was not an Office Action and did not require any response or other action on our part. Therefore, the matter was not docketed for any action.

4. I do not have personal knowledge as to what, if anything, the responsible attorney did with the EP Search Report. I do recall that in that time frame (1988) our attorneys were carrying heavy dockets, and my impression was that the attorneys often would not review matters such as the EP Search Reports immediately because no action was required.

5. The EP Search Report was not filed with the U.S. application, but was filed in a separate jacket for the EPO prosecution.

6. On or about February 6, 1990, I received the first Office Action in the EPO, and conveyed that to E. E. Spielman, Jr., who had then become responsible for the case. Mr. Spielman then sought and obtained a two-month extension for a response.

7. On or about June 5, 1990, I was assigned the responsibility for all antioxidant cases for Ethyl, including the area covered by the present application. At that time, U.S. Patent Number 4,912,155 had already issued.

8. Some time thereafter, I reviewed the foreign prosecutions and the prior art with E. E. Spielman, and at some point thereafter I noted the art which was cited by the EPO but not cited in the U.S. case. I discussed this with E. E. Spielman, and understood that he had already raised the matter with Ethyl's patent counsel.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

February 5, 1992

Patricia J. Hogan  
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